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ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 MARSH ROAD
MENLO PARK, CALIFORNIA 94025
tel 650-614-7400
fax 650-614-7401
WWW.ORRICK.COM

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G. Hopkins Guy, III
(650) 614-7452
hopguy@orrick.com

Mr. David Drummond
General Counsel
Google, Inc.
2400 Bayshore Parkway
Mountain View, CA 94043

Mr. Orkut Buyukkokten
2400 W. El Camino Real, #419
Mountain View, CA 94040

Dear Mr. Drummond and Mr. Buyukkokten:

Our firm represents Affinity Engines, Inc. ("AEI"). Based on the attached January 22, 2004 press article (See Attachment A) and recent introduction of the Orkut.com website, we felt it was important to raise with you our serious intellectual property concerns related to the Orkut.com website and Google's supporting activities. We have already raised these same concerns with Mr. Buyukkokten in our letter of February 6, 2004 (See Attachment B).

1. **Buyukkokten Assigned All Intellectual Property Rights Related To Network Relationship Software To AEI:**

As a co-founder of AEI, Mr. Buyukkokten assigned to AEI all of his right, title and interest to all of his concepts, inventions and improvements relating to "network relationship software and management systems" in the Bill of Sale which he signed on September 11, 2002. He also assigned all "software code and product design improvements" that he created to AEI on July 9, 2003. For your reference, a copy of both the Bill of Sale and the subsequent assignment are provided (See Attachments C and D). Any concepts, inventions, improvements or source code that Mr. Buyukkokten assigned to AEI or that he developed while performing services for AEI is confidential information of AEI and solely its trade secret. This includes the development of the Club Nexus and inCircle websites and related source code. Also, Mr. Buyukkokten is a former member of the Board of Directors of AEI, which creates additional fiduciary duties requiring him to hold confidential information, trade secrets and other AEI proprietary information disclosed to him, in the strictest confidence. Such information may not be used for any purpose except to further the interests of AEI. Mr. Buyukkokten resigned from the AEI Board of Directors on October 15, 2003. Clearly, AEI owns any interest Mr. Buyukkokten had in the Club Nexus and inCircle software and source code he developed.

2. **Buyukkokten Did Not Transfer AEI's Intellectual Property To Google:**

Prior to joining Google, Mr. Buyukkokten provided AEI with an attachment to his Google offer letter (See Attachment E). AEI provided Mr. Buyukkokten with a list of "Prior Inventions" to be attached to his Google employment agreement (See Attachment F). Mr. Buyukkokten assured us that he was withholding these same technologies described to Google as "Prior Inventions" and referenced above. Thus, until January 22, 2004, AEI had no reason to believe that any of its technologies or source code were being employed or used by Google, Orkut.com, or Mr. Buyukkokten. This view has now changed.

3. **Common Bugs Demonstrate Use of AEI Intellectual Property In Orkut.com:**

Google's activities with Orkut.com have raised serious concerns about your use of AEI source code and other information confidential to AEI. In particular, numerous common bugs and other similarities clearly demonstrate the use of AEI's source code in the Orkut.com website. The following examples clearly evidence the use of common source code between two of AEI's websites and Orkut.com. Each of these common bugs has been determined to originate in non-public domain source code owned by AEI.

a. **The Profile Date Bug.** In AEI's inCircle and in Orkut.com, profile dates are parsed incorrectly. In inCircle and in Orkut, birthdates such as 4/22 are parsed as "April 22th". However, birthdates such as 4/2 are parsed correctly as "April 2nd". Birthdates such as 4/1 are parsed correctly as "April 1st". Birthdates such as 2/31 are permitted to be registered in both sites and are parsed in inCircle and in Orkut.com incorrectly as "February 31th". The Profile Date Bug was present in inCircle and it is now present in Orkut.com. This inconsistent behavior has been noted by Orkut.com users in the Orkut.com forum (See Attachment G).

b. **The Image Translation Bug.** In AEI's inCircle and in Orkut.com, profile images are translated, modified and shrunken into smaller images. A test image is uploaded and inCircle converts the test image into jpg format, shrinks it to 102x160 pixels at a resolution of 114 dpi. Orkut.com converts the same test image into jpg format, shrinks it to 102x160 pixels at a resolution of 114 dpi. inCircle bevels the edges of the test image ideosyncratically. Orkut.com bevels the edges of the test image ideosyncratically. The image translation behavior was present in inCircle and is now present in Orkut.com. The unusual behavior has been noted by Orkut.com users in the Orkut.com forum (See Attachment H).

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c. **The XSS Security Flaw.** AEI's inCircle and Orkut.com are vulnerable to a serious XSS Security Flaw in the same homepage fields of their profile sections. Neither site is vulnerable to the XSS Security Flaw in other fields in the profile sections. Neither website HTML encodes the quotation (") character in user-supplied URL's, which would solve this problem. The XSS Security Flaw was present in inCircle and is now present in Orkut.com. The XSS Security Flaw has been noted by Orkut.com users in the Orkut.com forum (See Attachment I).

d. **The Hidden Administration Page.** AEI's inCircle and Orkut.com have no apparent references to an administrative page which would allow a qualified administrator to administer the site. However, both inCircle and Orkut.com have a hidden page called "Admin.aspx" in the same location in the directory structure, which is password protected. The browser error for a password protected page is different from the browser error for a non-existent page (See Attachment J).

e. **The Email Security Bug.** AEI's inCircle permits a user to set his or her email address as private so that other users may not view it. inCircle has a confirmed privacy hole which allows a recipient to view a sender's private email address whenever the user sends a message via inCircle. The same privacy hole is present on Okut.com. When a recipient reads a message from another user, the "From" line is masked with a fake email such as member@incircle.com. However, when the recipient replies to the email, the sender's private email address is revealed in the message header. The email address is revealed whether or not the sender has set his or her privacy settings to reveal his or her email address, and only when the message is sent by email, and not when the message remains in the web application. The system does not reply to a designated email address at inCircle on behalf of the sender. The same privacy hole occurs on Orkut.com, and only when the message is sent by email, and not when the message remains in the web application. This privacy hole has been noted by Orkut.com users in the Orkut.com forum and elsewhere on the internet (See Attachment K).

f. **The Email Format Bug.** AEI's inCircle compresses multiple space characters into a single space character within the text of messages sent on inCircle. However, inCircle does not compress multiple carriage returns within the text of messages sent on inCircle. Recipients who read messages on the inCircle system receive a compressed version of the sent message. For example, the text, "Spaces   are   compressed" is received on inCircle as "Spaces are compressed". Orkut.com exhibits the same behavior, compressing multiple space characters into a single space character within the text of messages and not compressing multiple carriage returns. Futhermore, inCircle displays messages differently when viewed on the web page or as an email. Spaces are

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compressed in messages sent within inCircle but are not compressed in emails received outside of inCircle. Orkut.com exhibits the same behavior. The fact that messages are displayed differently when viewed as an email and on the web page and the fact that spaces are compressed when displayed on the web page are two unique features of AEI's inCircle code (See Attachment L).

g. **The Formatting Mini-Language.** Orkut.com uses a formatting mini-language which is identical in structure and syntax to the formatting mini-language used by AEI's inCircle product. The implementation of this feature is very specific and it is unique to AEI's inCircle. The feature requires the implementation of a small set of tags (i.e. a mini-language). For example, the language uses square brackets ("[" and "]") instead of carrots ("<" and ">") for html formatting. Additionally, the word "link" is used to create a link in both websites. The language also has several idiosyncratic behaviors which are present in Orkut.com as well as inCircle.com (See Attachment M).

h. **The Ampersand Bug.** In AEI's inCircle and in Orkut.com, unicode is treated inconsistently in the subject of a text message and in the body of a text message within the forum section. Sequences such as "&#x9ec3" are parsed differently in the subject section and in the body sections. Characters such as "&" in the body input are replaced as "&amp" in the body output. This checking and replacing is not done on the topic name, however. The Ampersand Bug was present in inCircle and is now present in Orkut.com. The Ampersand Bug has been noted by Orkut.com users in the Orkut.com forum (See Attachment N).

i. **The Last-Post Bug.** In AEI's inCircle, messages posted to the forum update the number of posts ("Posts" Field) and the time of the last post ("Last Post" Field) to reflect the new total number of posts and the new time and date. When messages are subsequently deleted from the forum, AEI's inCircle forum reverts to the previous number of posts ("Post" Field) but incorrectly it does not revert to the previous time and date ("Last Post" Field). Orkut.com exhibits precisely the same behavior when messages are canceled from the forum (See Attachment O).

The wholesale similarity and common bugs throughout both websites suggest that AEI's code was copied.

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4. **Google Claims Ownership of Orkut.Com And Has Provided Engineering Support:**

Google has announced to the press that it owns the intellectual property of Orkut.com. Mr. Buyukkokten has been an employee with Google since mid-summer 2002. It has also come to our attention that Google employees other than Mr. Buyukkokten have been working on the Orkut.com website. Other press releases describe Google as affiliated with Orkut.com. Regardless of the specific relationship between Google and Orkut LLC, an active relationship exists between the two companies which indicates intellectual property and, at least, trade secret source code, are being shared with Google at this time.

5. **Conclusion:**

As a result of the above issues, we ask that Google meet with AEI regarding these issues no later than Monday, March 15th to address Buyukkokten's and Google's continuing use of AEI's intellectual property. AEI will make every effort to resolve this matter quickly. However, as detailed above, the numerous common bugs that exist between the Orkut.com and AEI's Club Nexus and inCircle websites clearly demonstrate the wholesale use by Orkut.com of AEI intellectual property, including its source code.

I suggest you contact my office to discuss arrangements for the meeting. Finally, Attachments G through O are marked as "AFFINITY ENGINES CONFIDENTIAL." We hope that for the time being you will protect the confidentiality of these documents and this information.

Very truly yours,

G. Hopkins Guy, III

Enclosures